

## Treasury Department,

BUREAU OF THE MINT,

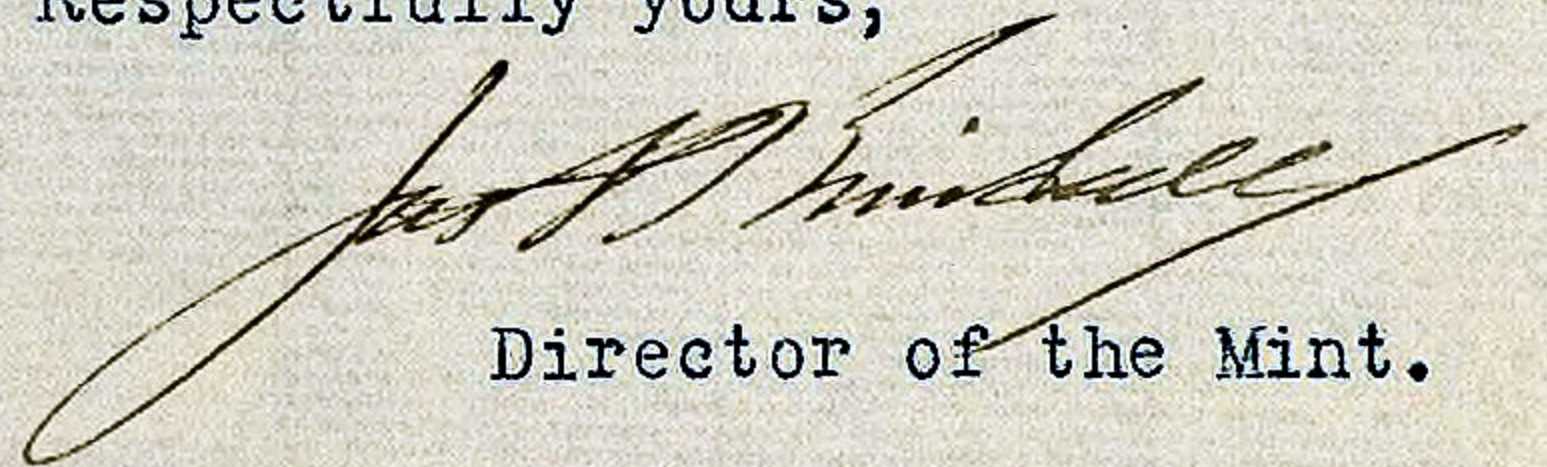
Washington, D. C., March 10, 1888.

Hon. Daniel M. Fox,  
Superintendent U.S. Mint,  
Philadelphia.

Sir:

Enclosed find copy of an opinion, dated 7th instant, by the  
Acting  
Solicitor of the Treasury, as to certain requirements of Section  
3500 R.S., relating to oaths of office and before whom to be  
subscribed by mint employees.

Respectfully yours,



Director of the Mint.



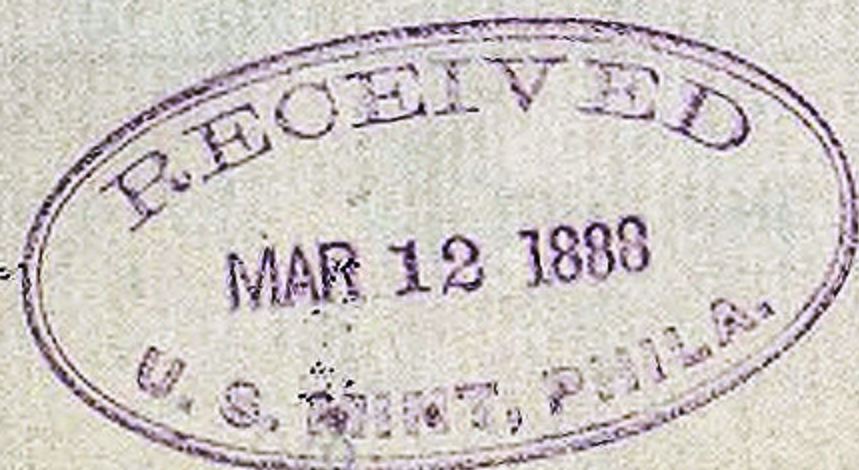
Treasury Dept.

Washington, D.C.

March 10. 1888.

James P. Kimball  
Director.

Encloses copy of an opinion  
by Actg Solicitor of Treasury  
relating to oaths of office  
& before whom to be subscribed  
by Mint Employees.





Department of Justice,

Office of the Solicitor of the Treasury,  
Washington, D. C., March 4<sup>th</sup> 1888.

Sir:

I have considered the question presented by your letter of the 21<sup>st</sup> ultimo, in relation to the apparent conflict between sections 1756, 1757, 1758, and 13500 Revised Statutes requiring official oaths and designating the form thereof to be taken by civil officers of the United States.

Sections 1756, 1757, 1758 are general in character requiring a different form

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of official oath according to the participation  
or non-participation of the individual in  
the rebellion against the United States.  
It results from this, that a person who  
engaged in rebellion is excepted from the  
requirement prescribing the oath that he  
did not participate in or countenance  
the rebellion while a person who actu-  
ally had no participation &c therein must  
swear that he did not voluntarily give  
aid, countenance, counsel, or encourage-  
ment to persons engaged therein &c.  
The remaining parts of the two oaths  
are the same, viz; requiring him to



affirm that he will support the constitution, bear true faith, and allegiance to the same, and that he will well and faithfully discharge the duties of the office on which he is about to enter.

These oaths may be administered by any officer authorized to administer oaths by the laws of the United States, or by the local or municipal laws in any State, Territory, or District. Now sec-

tion 3500 R. S., is a special enactment passed also subsequently in the original form to the time of the approval of the act giving origin to the other sections



to which I have before adverted. Its special character relating as it does, to officers of the Mint, as well as its position in point of time in the Statutes, controls, as far as it goes, the determination of the question presented. It provides in such special cases that the individual shall take an oath, faithfully and diligently to perform the duties of the office in addition to other official oaths presented by law. I do not think this means that he shall take more than one oath of office, but that he shall make the respective averments required



to be made by the several provisions,  
 under oath. Another variance between  
 the earlier sections and section 3500 is  
 in the requirement that officers of the  
 mint shall take their official oaths  
before some judge of the United States  
or judge of some court of record of the  
State in which the mint is located,  
 imposing a limitation in the case  
 of these officers which I think must  
 be observed. These provisions are

not necessarily in conflict, but are to be  
 taken together.

Hon: James P. Kimball,  
 Director of the Mint.

Very respectfully  
 G. A. Reeve,  
 Acting Solicitor



[Letter One:]

[Abstract:] Encloses copy of an opinion by Act'g Solicitor of Treas'y relating to oaths of office...

Treasury Department,  
Bureau of the Mint,  
Washington, D.C.,  
March 10, 1888

Hon. Daniel M. Fox,  
Superintendent U.S. Mint,  
Philadelphia.

Sir:

Enclosed find copy of an opinion, dated 7th instant, by the Acting Solicitor of the Treasury, as to certain requirements of Section 3500 R.S., relating to oaths of office and before whom to be subscribed by mint employees.

Respectfully yours,  
James P. Kimball  
Director of the Mint.

[Letter Two:]

Copy W.E.

Department of Justice,  
Office of the Solicitor of the Treasury,  
Washington, D.C.,  
March 7, 1888

Sir:

I have considered the question presented by your letter of the 21st ultimo, in relation to the apparent conflict between sections 1756, 1757, 1758 and 3500 Revised Statutes requiring official oaths and designating the form thereof to be taken by civil officers of the United States.

Sections 1756, 1757, 1758 are general in character requiring a different form of official oath according to the participation or non-participation of the individual in the rebellion against the United States. It results from this, that a person who engaged in rebellion is excepted from the requirement prescribing the oath that he did not participate in or countenance the rebellion which a person who actually had no participation &c. therein must swear that he did not voluntarily give aid, countenance, consul, or encouragement to person's engaged therein &c. The



remaining parts of the two oaths are the same, viz: requiring him to affirm that he will support the constitution, bear true faith, and allegiance to the same, and that he will well and faithfully discharge the duties of the office on which he is about to enter. These oaths may be administered by any officer authorized to administer oaths by the laws of the United States, or by the local or municipal laws in any State, Territory, or District. Now section 3500 R.S., is a special enactment passed also subsequently in the original form to the time of the approval of the acts giving origin to the other sections to which I have before adverted. Its special character relating as it does, to officers of the Mint, as well as its position in point of time in the Statutes, controls, as far as it goes, the determination of the question presented. It provides in such special cases that the individual shall take an oath, faithfully and diligently to perform the duties of the office in addition to other official oaths presented by law. I do not think this means that he shall take more than one oath of office, but that he shall make the respective averments required to be made by the several provisions, under oath. Another variance between the earlier sections and section 3500 is in the requirement that officers of the mint shall take their official oaths before some Judge of the United States or Judge of some court of record of the State in which the mint is located, imposing a limitation in the case of these officers which I think must be observed. These provisions are not necessarily in conflict, but are to be taken together.

Very respectfully,  
F.A. Reeve,  
Acting Solicitor

Hon. James P. Kimball  
Director of the Mint.